

Update on Wisconsin's Air Permitting Streamlining Initiative

Clean Air Act Task Force

December 13, 2004

Air Permit Improvement Initiative

- Launched by Sec. Hassett in June 2003 to streamline the air permit process
 - Permit Backlog
 - Need more efficient permit system
 - Continue to protect the environment

Other Actions Influencing Us

- Wisconsin Act 118
- EPA's Notice of Deficiency
- Legislative Audit Report
- Governor's Grow Wisconsin

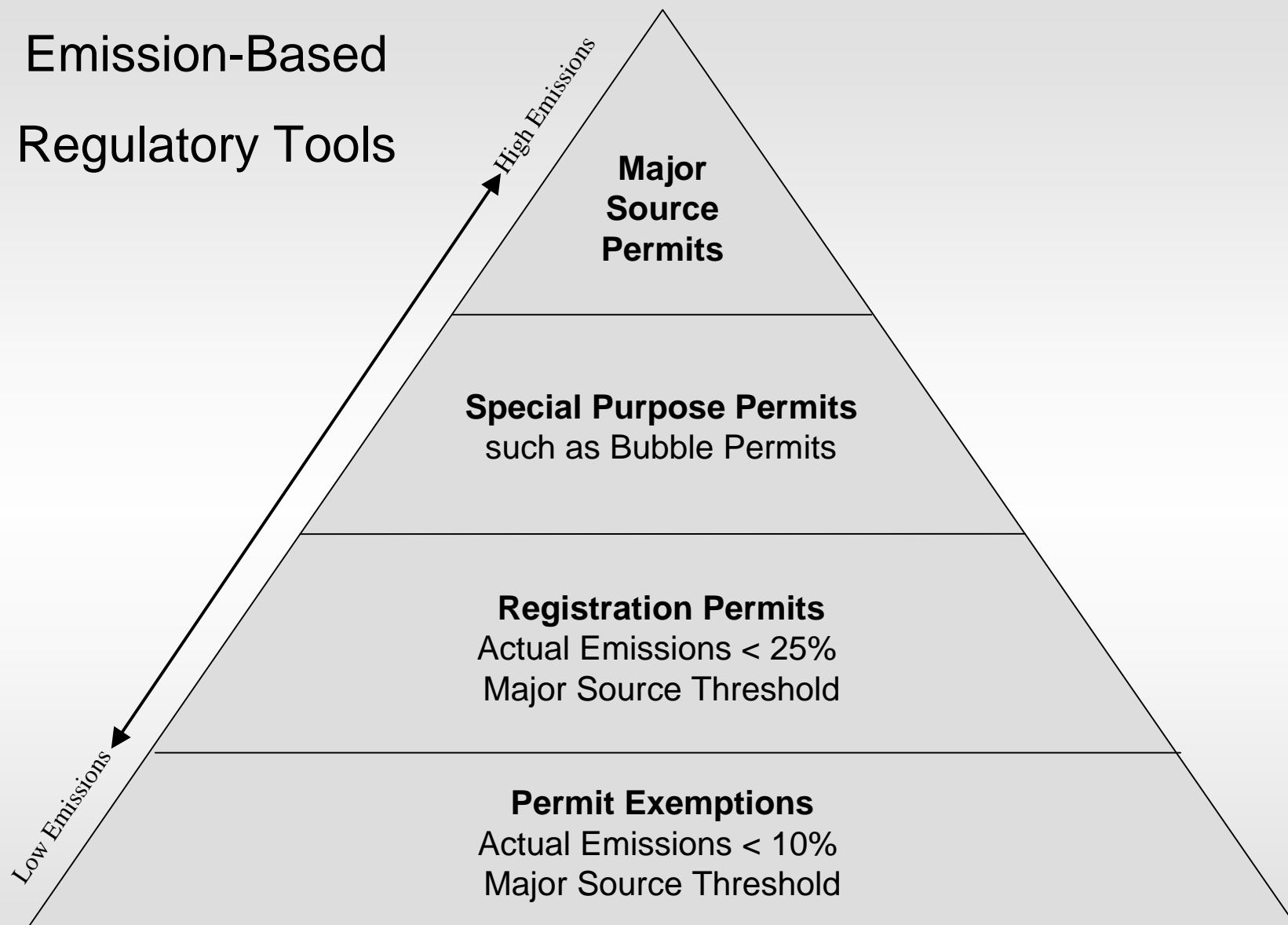
APII Objectives

- Issue permits more quickly
- Be more consistent with permit requirements
- Simplify -- reduce unnecessary work
- Provide incentives for voluntary reductions
- Protect air quality
- Make requirements more understandable

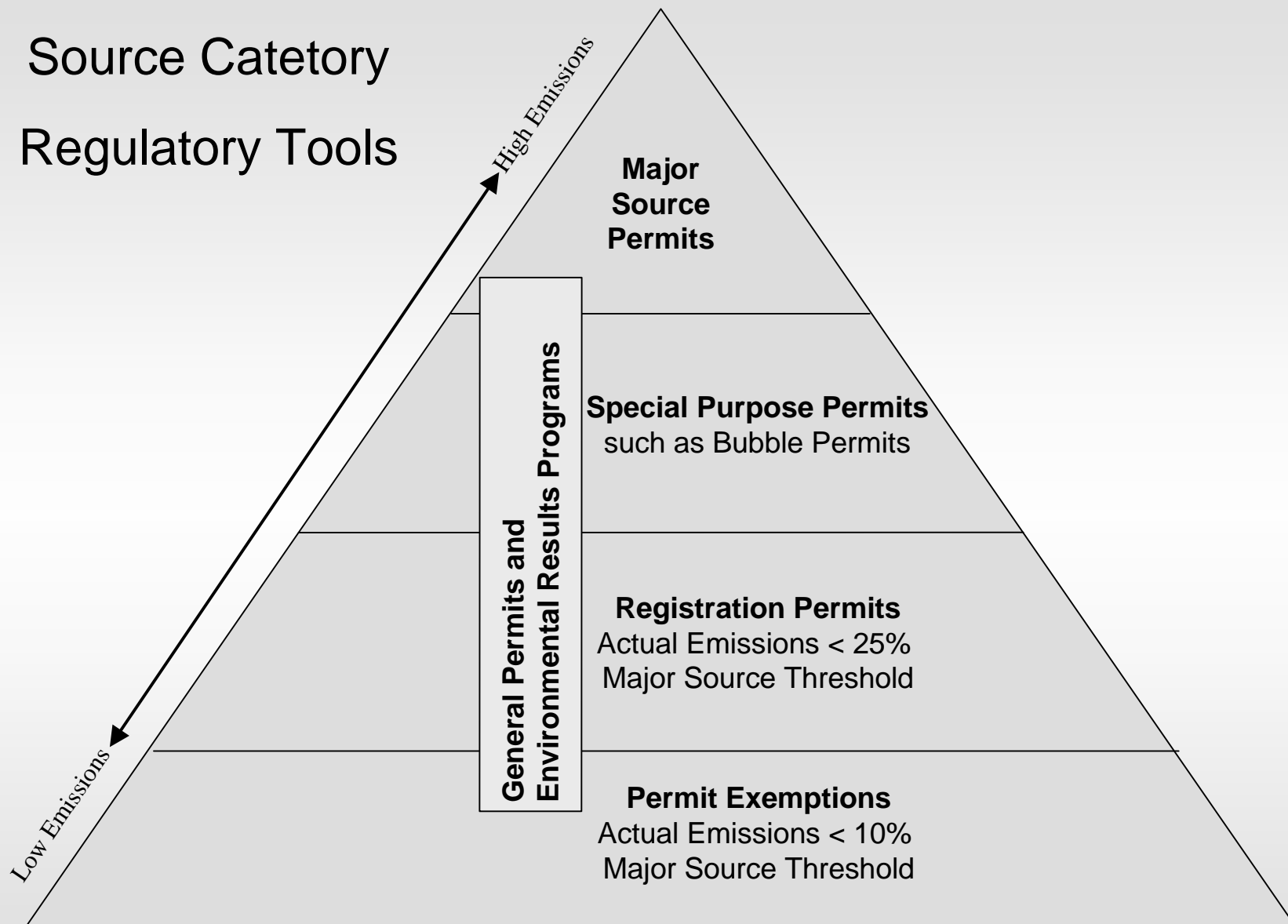
Framework

- More standardized permitting process
 - Registration and General Permits
- More operational flexibility for sources
 - Emission caps (registration and bubble permits)
 - Reduced need for construction permits
 - EMS permits
- More time and resources on compliance versus issuing permits

Emission-Based Regulatory Tools



Source Category Regulatory Tools



Exemptions

- Emissions based -- 10% of major source threshold
- Based on actuals and potential to emit. Not based on Maximum Theoretical Emissions
- Maintain existing permit exemptions

Registration Permits: The Basics

- Created in Wisconsin Act 118
- Standardized permits
- Can be issued to sources with “low actual or potential emissions”
- Two categories of registration permits
 - Registration operation permits (ROP)
 - Registration construction permits (RCP)

Design Principles

- Keep it simple and straightforward
- Acknowledge that registration permits aren't for all sources
- Make it easy to determine eligibility
- Ability to correct problems later discovered (e.g., modeling)
- Ability to remove existing permit conditions, if appropriate

ROP - What is it?

- A standardized permit with:
 - Emission caps on all criteria pollutants and federal HAPs
 - Generic compliance demos, monitoring and recordkeeping requirements
 - Reporting (compliance certification, monitoring, and inventory)
 - No applicable requirements listed in permit

Proposed ROP

- Facility-wide emissions cap: actual and potential emissions: < 25% major source threshold
- Must comply w/ all applicable requirements
- Permit to construct and operate
- Changes allowed as long as stay under cap
- Permit does not expire

Proposed ROP eligibility criteria

- No MACT (maybe area sources?)
- No “non-listed” NSPS (listed simple NSPS)
- No acid rain, waste combusters or major sources
- No source specific conditions (NR 445 BACT/LAER)

Other ROP features

- Air quality standards
 - Modeling not required
 - Unobstructed, vertical stacks, unless model
 - DNR may model on case-by-case basis
- Standard control equipment efficiencies
- Existing permit conditions may be revoked by DNR, if appropriate (e.g. 25 tpy limit)

Compliance Strategy

- Compliance assistance and assurance are crucial for ROP program to work
 - ROPs don't contain all applicable requirements
 - Small sources often are less sophisticated ⇒ owner = plant manager = environmental guru
 - Historically small sources have more violations

Compliance Strategy

- Understanding the regulations
 - Fact sheets, primers, workshops, info in app.
- Making sure regulations are being followed
 - Annual compliance certification reports
 - Annual inspections :Priority facilities and statistical sample
- Follow up: enforcement activities and understanding the regulations

Potential Registration Permit Sources

Type	< AEMS	< 10%	<25%	>25%	Total
SOPs	346	245	66	38	695
FESOPs	223	287	167	114	791
Total	513	532	233	152	1486

Registration Construction Permits

- Standardized construction permit for small changes at any facility
- Emission caps on all criteria pollutants and federal HAPs
- Generic compliance demos, monitoring, recordkeeping and notification requirements
- 18 month? Expiration (or when facility-wide op permit is revised)

RCP Proposal

- Any facility is eligible, including Part 70, PSD/NAA major sources
- Emissions from emissions unit may not exceed:
 - 25% Significance Threshold: Major PSD and NAA sources
 - 25% Major Source Threshold: Minor PSD and NAA sources
- Project cannot require MACT, NSPS, etc.

RCP Issuance procedures

- Facility applies for RCP and Op permit revision at the same time
 - Facility models before they apply, DNR reviews during 15 days
- Facility notifies DNR upon completion of construction
- DNR processes operation permit revision (incorporates RCP emission cap on project)

General Permits: The Basics

- Created in Wisconsin Act 118
- Standardized permit for a source category
- Source categories with similar emissions, operations, regulations and control systems
 - Crushers, small heating units, grain elevators
- Two types of general permits:
 - General Construction Permits
 - General Operation Permits

General Operation Permits

- Standardized permit that includes all applicable requirements
- FESOP general permits:
 - will have emission caps
 - will not expire
- FOP general permits:
 - no emission caps
 - expires after 5 years

Changes and Modifications

- Changes allowed as long as meet general op permit conditions
- Exempt from construction permit
- Notice and go type of system

General Construction Permit

- Very similar to general operation permit but for construction projects
- Use if project is for a source category for which a general permit exists but facility does not yet have the permit.
- Upon completion of construction, permit becomes a general operation permit

Permit Issuance Process

- Public hearing and comment on registration permit and source category general permit
- No public hearing on individual permits
- DNR must respond to applicants for registration and general permits within 15 days
- Goal: Issue the permit within 15 days

Petitions

- A person may petition DNR to issue general or registration permits to a source category
- DNR may consider:
 - number of sources in category
 - number/complexity of air regulations
 - likelihood of need for source specific permits conditions
 - other factors

What's the schedule?

- Jan-March 2005: Registration and general permit rule adopted by NRB
- Spring 2005: Public hearing on registration permit
- Spring 2005: Develop administrative procedures
- Summer/Fall 2005: Ready to issue registration permits

The rest of the story....

- Draft rules on permit exemptions -- spring/summer 2005
- Draft rules on permit consolidation -- spring/summer 2005
- Report to Legislature on permit application requirements and emissions monitoring practices -- March 2005

Thank You!

Any Questions?

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